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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,454	07/05/2001	Gerald Francis McBrearty	AUS9-2001-0344-US1	4098

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EXAMINER

BURGE, LONDRA C

ART UNIT

PAPER NUMBER

2178

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/899,454	Applicant(s) MCBREARTY ET AL.	
	Examiner Londra C Burge	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/4/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 10/4/2004.
2. Claims 1-36 are pending. Claims 1, 13 and 25 are independent claims.

Claim Rejections - 35 USC § 103

3. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6, 8-18, 20-30 and 32-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (herein after Ryan) U.S. Patent No. 6,421,675 B1 filed 7/15/1998 in view of Pitkow et al. (herein after Pitkow) U.S. Patent Pub No. 2002/0016786 A1 filed 12/4/2000.**

In regard to independent claim 1, Ryan discloses *In a World Wide Web (Web) communication network with user access via a plurality of data processor controlled interactive receiving display stations for displaying received hypertext documents of at least one display page containing text and images transmitted from sources on the Web* (Ryan Col 3 Lines 66-67 and Col 4 Lines 1-11) *means associated with one of said receiving display stations for ... of selected received Web documents to thereby store at said receiving display station, direct links to the sources of said Web documents* (Ryan Col 9 Lines 15-20 i.e. embedded links); *means for tracking the rates of Web documents transmitted from each of said sources during daily time cycles* (Ryan Col 22 Lines 12-21 i.e. shows that daily times can be determined); *...data on the*

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rates of transmission of said ... documents at the time of said display. (Ryan Col 4 Lines 1-5 and Col 4 Lines 35-41 i.e. computer containing displays for displaying data to the user)

Ryan does not specifically go into detail about the data searched being bookmarked for the user *and means at said receiving display station for displaying in association with a displayed list of bookmarks for Web documents and a system for bookmarking of selected received Web documents.* However, Pitkow references the use of bookmarking (Pitkow Para 0136). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pitkow to Ryan, providing Ryan the benefit of bookmarking the search results to properly categorize the users data results as taught by Pitkow Paragraph 136.

In regard to dependent claim 2, Ryan discloses *wherein said data on the rates of transmission are indicators at each of said bookmarks* (Ryan Col 7 Lines 15-30 i.e. web past list popularity at the highest rate).

Ryan does not specifically go into detail about the data searched being bookmarked for the user *and a system for bookmarking of selected received Web documents.* However, Pitkow references the use of bookmarking (Pitkow Para 0136). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pitkow to Ryan, providing Ryan the benefit of bookmarking the search results to properly categorize the users data results as taught by Pitkow Paragraph 136.

In regard to dependent claim 3, Ryan discloses *wherein at least one of said Web document source is a Web site including: said means for tracking further including means for tracking the hourly hit rates for requested specific Web documents* (Ryan Col 16 Lines 22-27 i.e. mentions interval in hours for data results and Col 12 Lines 27-29 i.e. hits).

In regard to dependent claim 4, Ryan discloses *wherein at least one of said indicators of said rate of transmission includes: means for requesting from the Web sites of each of a plurality of Web documents ... at said receiving display station* (Ryan Col 11 Lines 19-27 i.e. request keywords and phrases), *the hourly hit rates for each ... document* (Ryan Col 16 Lines 22-27 i.e. mentions interval in hours for data results); *and means for storing said hourly hit rates.* (Ryan Claim 1)

Ryan does not specifically go into detail about the data searched being bookmarked for the user *and a system for bookmarking of selected received Web documents*. However, Pitkow references the use of bookmarking (Pitkow Para 0136). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pitkow to Ryan, providing Ryan the benefit of bookmarking the search results to properly categorize the users data results as taught by Pitkow Paragraph 136.

In regard to dependent claim 5, Ryan discloses *wherein said means for requesting the hourly hit rates of ... Web documents periodically request the hit rates whereby said stored hit rates are periodically updated.* (Ryan Col 16 Lines 22-27 i.e. mentions interval in hours for data results and Col 12 Lines 27-29 i.e. hits)(Ryan Col 35 Lines 47-52 i.e. popularity lists are updated)

Ryan does not specifically go into detail about the data searched being bookmarked for the user *and a system for bookmarking of selected received Web documents*. However, Pitkow references the use of bookmarking (Pitkow Para 0136). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pitkow to Ryan, providing Ryan the

benefit of bookmarking the search results to properly categorize the users data results as taught by Pitkow Paragraph 136.

In regard to dependent claim 6, Ryan discloses *wherein said at least one indicator of the rate of transmission indicates both high and low hit rates.* (Ryan Col 25 Lines 20-22 i.e. low ranking and Col 23 Lines 50-55 i.e. popular and high-flying pages)

In regard to dependent claim 8, Ryan discloses *wherein said high and low hit rate ... Web documents are indicated by displaying the high hit rate ... and low hit rate ... in different menus.* (Ryan Col 25 Lines 20-22 i.e. low ranking and Col 23 Lines 50-55 i.e. popular and high-flying pages and Col 12 Lines 27-29 i.e. hits)(Ryan Col 19 Lines 54-65 i.e. drop down menu on search page)

Ryan does not specifically go into detail about the data searched being bookmarked for the user *and a system for bookmarking of selected received Web documents.* However, Pitkow references the use of bookmarking (Pitkow Para 0136). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pitkow to Ryan, providing Ryan the benefit of bookmarking the search results to properly categorize the users data results as taught by Pitkow Paragraph 136.

In regard to dependent claim 9, Ryan discloses *a web browsing means at said receiving display station including* (Ryan Abstract internet search engine): *and said means for providing at the displayed..., an indicator of said rate of transmission of said document at the time of said request.* (Ryan Col 8 Lines 65-67 i.e. date-time)

Ryan does not specifically go into detail about the data searched being bookmarked for the user *and said means for bookmarking of selected received Web documents.* However, Pitkow

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references the use of bookmarking (Pitkow Para 0136). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pitkow to Ryan, providing Ryan the benefit bookmarking the search results to properly categorize the users data results as taught by Pitkow Paragraph 136.

In regard to dependent claim 10, Ryan discloses *means for requesting from the Web sites of each of a plurality of Web documents ... at said receiving display station the hourly hit rates for each ... documents; and means for storing said hourly hit rates.* (Ryan Col 11 Lines 19-27 i.e. request keywords and phrases and Col 12 Lines 27-29 i.e. hits) (Ryan Col 16 Lines 22-27 i.e. mentions interval in hours for data results) (Ryan Claim 1)

Ryan does not specifically go into detail about the data searched being bookmarked for the user *and said means for bookmarking of selected received Web documents.* However, Pitkow references the use of bookmarking (Pitkow Para 0136). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pitkow to Ryan, providing Ryan the benefit of bookmarking the search results to properly categorize the users data results as taught by Pitkow Paragraph 136.

In regard to dependent claim 11, Ryan discloses *wherein said means in said Web browser for requesting the hourly hit rates of ... Web documents periodically request the hit rates whereby said stored hit rates are periodically updated.* (Ryan Col 11 Lines 19-27 i.e. request keywords and phrases and Col 12 Lines 27-29 i.e. hits)(Ryan Col 16 Lines 22-27 i.e. mentions interval in hours for data results)(Ryan Col 35 Lines 47-52 i.e. popularity lists are updated)

Ryan does not specifically go into detail about the data searched being bookmarked for the user *and said means for bookmarking of selected received Web documents*. However, Pitkow references the use of bookmarking (Pitkow Para 0136). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pitkow to Ryan, providing Ryan the benefit of bookmarking the search results to properly categorize the users data results as taught by Pitkow Paragraph 136.

In regard to dependent claim 12, Ryan discloses *said Web browser further includes means for requesting ... Web documents from their source Web sites; and said means for periodically requesting hit rates request such hit rates when said ...document is requested whereby said stored hit rates are updated for subsequent requests for said ... document*. (Ryan Col 11 Lines 19-27 i.e. request keywords and phrases and Col 12 Lines 27-29 i.e. hits) (Ryan Col 35 Lines 47-52 i.e. popularity lists are updated) (Ryan Claim 1)

Ryan does not specifically go into detail about the data searched being bookmarked for the user *and said means for bookmarking of selected received Web documents*. However, Pitkow references the use of bookmarking (Pitkow Para 0136). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Pitkow to Ryan, providing Ryan the benefit of bookmarking the search results to properly categorize the users data results as taught by Pitkow Paragraph 136.

In regard to independent claims 13 and 25, claims 13 and 25 reflect similar subject matter claimed in claim 1 and is rejected along the same rationale.

In regard to dependent claims 14 and 26, claims 14 and 26 reflect similar subject matter claimed in claim 2 and is rejected along the same rationale.

In regard to dependent claims 15 and 27, claims 15 and 27 reflect similar subject matter claimed in claim 3 and is rejected along the same rationale.

In regard to dependent claims 16 and 28, claims 16 and 28 reflect similar subject matter claimed in claim 4 and is rejected along the same rationale.

In regard to dependent claims 17 and 29, claims 17 and 29 reflect similar subject matter claimed in claim 5 and is rejected along the same rationale.

In regard to dependent claims 18 and 30, claims 18 and 30 reflect similar subject matter claimed in claim 6 and is rejected along the same rationale.

In regard to dependent claims 20 and 32, claims 20 and 32 reflect similar subject matter claimed in claim 8 and is rejected along the same rationale.

In regard to dependent claims 21 and 33, claims 21 and 33 reflect similar subject matter claimed in claim 9 and is rejected along the same rationale.

In regard to dependent claims 22 and 34, claims 22 and 34 reflect similar subject matter claimed in claim 10 and is rejected along the same rationale.

In regard to dependent claims 23 and 35, claims 23 and 35 reflect similar subject matter claimed in claim 11 and is rejected along the same rationale.

In regard to dependent claims 24 and 36, claims 24 and 36 reflect similar subject matter claimed in claim 12 and is rejected along the same rationale.

5. **Claims 7, 19 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryan et al. (herein after Ryan) in view of Pitkow et al. (herein after Pitkow) as applied to claims 1, 13 and 25 and in further view of Burke U.S. Patent No. 6,032,162 filed 1/8/1998.**

In regard to dependent claim 7, Ryan does not disclose *wherein said high and low hit rate bookmarked Web documents are indicated by displayed bookmarks of different colors*. However, Burke mentions Bookmarks that can vary in color (Burke Col 8 Lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Burke to Pitkow and Ryan, providing Ryan the benefit of displaying the bookmarks with different colors so the user can easily distinguish between the different bookmark categories as taught by Burke Col 8 Lines 1-25.

In regard to dependent claims 19 and 31, claims 19 and 31 reflect similar subject matter claimed in claim 7 and is rejected along the same rationale.

Response to Arguments

6. **Applicant's arguments filed 10/4/2004 have been fully considered but they are not persuasive.**

The applicant argues that Ryan does not recognize that hit rates i.e. transmission activity rates are tracked for the sources or sites from which web documents are sent. However, Ryan discloses hit rates and transmission rates for web documents and sites (Ryan Col 22 Lines 12-22).

The applicant also argues that Ryan mentions no use of bookmarks and categorizing them, which the examiner agrees. However, Pitkow discloses websites and pages that are bookmarked and categorized for easy navigation for the user (Pitkow Para 0006-0015 and 0025-0027). It would have been obvious at the time of the inventions the apply Pitkow to Ryan,

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providing Ryan the benefit of bookmarking and categorizing web pages with a certain amount of hit and transmission rates so the user can easily navigate through the pages and sites.

The applicant also argues that neither Ryan nor Pitkow mention using different color indications for the bookmarks. However, Burke mentions Bookmarks that can vary in color (Burke Col 8 Lines 20-25). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Burke to Pitkow and Ryan, providing Ryan the benefit of displaying and classifying the bookmarks with different colors so the user can easily distinguish between the different bookmark categories as taught by Burke Col 8 Lines 1-25.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Londra C Burge whose telephone number is (571) 272-4122.

The examiner can normally be reached on 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Londra C. Burge
1/7/2005


STEPHEN HONG
SUPERVISORY PATENT EXAMINER